

86126 Safeguards for Cash Resources, Personal Property, and Valuables

(a)

A licensee shall not be required to accept for admission or continue to care for any participant whose incapacities, as documented by the initial or subsequent needs appraisals, would require the licensee to handle such participant's cash resources.

(b)

If such a participant is accepted for or maintained in care, their cash resources, personal property, and valuables not handled by a person outside the facility who has been designated by the participant or their authorized representative shall be handled by the licensee or facility staff, and shall be safeguarded in accordance with the requirements specified in (c) through (n) below.

(c)

Except where provided for in approved continuing care agreements, no licensee or employee of a licensee shall: (1) accept appointment as a guardian or conservator of the person and/or estate of any participant; (2) accept any general or special power of attorney except for Medi-Cal or Medicare claims for any participant; (3) become the substitute payee for any payments made to any participant. (A) This requirement does not apply to a licensee who is appointed by the Social Security Administration as representative payee for the participant. (4) become the joint

tenant on any account specified in subdivision (i) below with a participant.

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(d)

Cash resources, personal property, and valuables of participants handled by the licensee shall be free from any liability the licensee incurs.

(e)

Cash resources, personal property, and valuables of participants shall be separate and intact, and shall not be commingled with facility funds or petty cash. (1) The above requirement shall not prohibit the licensee from providing advances or loans to participants from facility funds.(A) Documentation of such transactions shall be maintained in the facility.

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(f)

The licensee or employee of a licensee shall not make expenditures from participants' cash resources for any basic services specified in these regulations, or for any basic services identified in a contract/admission agreement between the participant and the licensee. (1) This requirement does not apply to a licensee who is appointed by the Social Security Administration as representative payee for the participants.

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(g)

The licensee shall not commingle cash resources and valuables of participants with those of another community care facility of a different license number regardless of joint ownership.

(h)

Each licensee shall maintain accurate records of accounts of cash resources, personal property, and valuables entrusted to their care, including, but not limited to the following: (1) Records of participants' cash resources maintained as a drawing account, which shall include a current ledger accounting, with columns for income, disbursements and balance, for each participant. Supporting receipts

for purchases shall be filed in chronological order. (A) Receipts for cash provided to any participant from their account(s) shall include the participant's full signature or mark, or authorized representative's full signature or mark, and a statement acknowledging receipt of the amount and date received, as follows: "(full signature of participant) accepts (dollar amount) (amount written cursive), this date (date), from (payor)." (B) The store receipt shall constitute the receipt for purchases made for the participant from their account. (C) The original receipt for cash resources, personal property or valuables entrusted to the licensee shall be provided to the participant's authorized representative, if any, otherwise to the participant. (2) Bank records for transactions of cash resources deposited in and drawn from the account specified in (i) below.

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(2)

Bank records for transactions of cash resources deposited in and drawn from the account specified in (i) below.

(i)

Immediately upon admission of a participant, all of their cash resources entrusted to the licensee and not kept in the licensed facility shall be deposited in any type of bank, savings and loan, or credit union account meeting the following requirements: (1) The account shall be maintained as a trust account separate from the personal or business accounts of the licensee. (2) The account title shall clearly note that the account contains participant cash resources. (3) The licensee shall provide access to the cash resources upon demand by the participant or their authorized representative. (4) The account shall be maintained in a local bank, savings and loan or credit union authorized to do business in California, the deposits of which are insured by a branch of the Federal Government. (A) A local public agency shall have the authority to deposit such cash resources with the

public treasurer.

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(j)

Cash resources entrusted to the licensee and kept on the facility premises, shall be kept in a locked and secure location.

(k)

Upon discharge of a participant, all cash resources, personal property, and valuables of that participant which have been entrusted to the licensee shall be surrendered to the participant, or their authorized representative, if any. (1) The licensee shall obtain and retain a receipt signed by the participant or their

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(I)

Upon the death of a participant, all cash resources, personal property and valuables of that participant shall immediately be safeguarded in accordance with the following requirements: (1) All cash resources shall be placed in an account as specified in (i) above. (2) The executor or the administrator of the estate shall be notified by the licensee of the participant's death, and the cash resources, personal property, and valuables shall be surrendered to said party in exchange for a signed, itemized receipt. (3) If no executor or administrator has been appointed, the authorized representative, if any, shall be notified by the licensee of the participant's death, and the cash resources, personal property, and valuables shall be surrendered to said person in exchange for a signed, itemized receipt. (4) If the licensee is unable to notify a responsible party as specified in (2) or (3) above, the licensee shall give immediate written notice of the participant's death to the public administrator of the county as provided in Section 7600.5 of the California Probate Code.

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If no executor or administrator has been appointed, the authorized representative, if any, shall be notified by the licensee of the participant's death, and the cash resources, personal property, and valuables shall be surrendered to said person in exchange for a signed, itemized receipt.

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If the licensee is unable to notify a responsible party as specified in (2) or (3) above, the licensee shall give immediate written notice of the participant's death to the public administrator of the county as provided in Section 7600.5 of the California Probate Code.

(m)

The following requirements shall be met whenever there is a proposed change of licensee: (1) The licensee shall notify the licensing agency of any pending change of licensee, and shall provide the licensing agency an accounting of each participant's cash resources, personal property and valuables entrusted to their care.(A) Such accounting shall be made on form provided or approved by the licensing agency. (2) Provided the licensing agency approves the application for the new licensee, the form specified in (1)(A) above shall be updated, signed by both the former and new licensee, and forwarded to the licensing agency.

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(n)

The licensee shall maintain a record of all monetary gifts and of any other gift exceeding an estimated value of \$100, provided by or on behalf of a participant to the licensee, administrator or staff.(1) The record shall be attached to the account(s) specified in (h) above if the participant's cash resources, personal property or valuables have been entrusted to the licensee. (2) Monetary gifts or valuables given by the friends or relatives of a deceased participant shall not be subject to the requirement specified in (n) and (n)(1) above.

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